

Tuesday, June 22, 2021

Karla Courtade
3511 Allene Street
Brusly, Louisiana 70719

**Re: Louisiana Board of Ethics
Docket No. 2021-339**

Dear Mrs. Courtade:

The Louisiana Board of Ethics ("Board"), at its July 9, 2021 meeting, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics ("Code") would prohibit you from applying for and accepting the position of Executive Director of Louisiana Operation Lifesaver ("LAOL") after you retire from the Louisiana Department of Transportation and Development ("LaDOTD") as the Statewide Highway Safety Improvement Program Manager.

FACTS PROVIDED

You are currently employed by the LaDOTD in the Highway Safety Office as the Statewide Highway Safety Improvement Program Manager. As the Statewide Highway Safety Improvement Program Manager, you are responsible for: 1) tracking, processing, invoicing, and otherwise managing federal funding (Federal Safety Transfer Funds and Federal Flex Funds) for statewide highway safety construction projects; 2) reviewing, managing, preparing, funding, and selecting consultants and/or contractors with regard to state government contracts and applications; 3) overseeing the contracting process for the Highway Safety Office; and, 4) planning and coordinating state conferences. The agency head for Highway Safety Office is Adriane S. McRae – the Highway Safety Administrator.

You also volunteer with LAOL. LAOL is a nonprofit public safety education and awareness organization dedicated to reducing collisions, fatalities, and injuries at highway-rail crossings and trespassing on or near railroad tracks. LAOL currently has a contract with the LaDOTD, under which the LaDOTD helps support LAOL's salary, public relations, training, and website development. LAOL also receives funding from the Louisiana Highway Safety Commission and railroad companies. In your capacity as the Statewide Highway Safety Improvement Program Manager, you give free safety presentations and train LAOL volunteers concerning railroad crossing safety. The LaDOTD's contract is managed by Trey Jesclard, the Assistant Highway Safety Administrator. He handles all monthly reporting and invoicing made by LAOL pursuant to the contract.

You are nearing retirement. You would like to apply for the LAOL Executive Director position after you retire from the LaDOTD in December 2021.

LAW

La. R.S. 42:1121(B) provides that no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following the termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code would not prohibit you from applying for and accepting the LAOL Executive Director position upon your retirement from the LaDOTD. La. R.S. 42:1121(B) prohibits former public servants from assisting another person, for compensation, in a transaction, in an appearance in connection with a transaction that the former public employee was involved with while employed at the governmental entity, or rendering a service previously rendered to the governmental entity for a period of two (2) years. As the LAOL Executive Director, you would not be assisting LAOL with a transaction or rendering a service that you were involved in while the Statewide Highway Safety Improvement Program Manager for the LaDOTD.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board